

STAFF ISSUES IDENTIFIED IN  
NOVEMBER 29, 2006 PUBLIC HEARING STAFF REPORT

1. Regulations to Encourage Good Cluster Design. A cluster is defined in The Latest Illustrated Book of Development Definitions as "*a development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.*" The small clustered lots are contiguous and adjacent to one another with larger lots comprising the remaining land area. While a true cluster design can be achieved under the current draft, because of the reduction in size of the Rural Economy Lot to 7 acres in the AR-1 zoning district and the proposed maximum cluster lot size of 4 acres, the regulations do not *compel* a cluster to occur in a manner that is traditionally considered a cluster development. Additional regulations can be added to guide development into a more clustered pattern.
  - a. *Establish a Minimum Average Lot Size for Rural Economy Lots in the AR-1 District.* By establishing a minimum average lot size for Rural Economy Lots that is greater than the minimum lot size for such lots, developments with more than one Rural Economy Lot will be encouraged to provide larger lots that will in turn increase the potential for more Rural Economy uses. A requirement for larger Rural Economy Lots will create a greater distinction between the smaller Cluster Lots and the larger Rural Economy Lots. As the minimum lot size of a Rural Economy Lot in the AR-2 district is 25 acres, it is unnecessary to require an average lot size in the AR-2 district.
  - b. 2-103 (C)(4)(f) Minimum Average Lot Size. In developments with more than one Rural Economy Lot, the average lot size of a Rural Economy Lot shall be a minimum of 11 acres.
2. *Reduce the Maximum Lot Size for Cluster Lots.* Currently the ordinance establishes a maximum lot size of 4 acres for Cluster Lots. By reducing the maximum lot size of cluster lots, residential dwellings may be concentrated in a smaller area of the site, leaving greater areas open for Rural Economy Lots and uses and reducing costs for the provision of infrastructure.
  - a. 2-103(C)(3)(e) Maximum Lot Size. 3 acres.
  - b. 2-203(C)(3)(e) Maximum Lot Size. 3 acres.
3. *Requirement that Cluster Lots be Contiguous.* To achieve a cluster design, a requirement that the smaller cluster lots be contiguous, can encourage the grouping of these lots.
  - a. 2-103 (C)(2)(j) Cluster lots shall be contiguous, excepting intervening environmental features.
  - b. 2-203(C)(2)(j) Cluster lots shall be contiguous, excepting intervening environmental features.
4. Private Parties and Events at Bed and Breakfasts and Country Inns. As currently written, the hosting of private parties, the attendance of which would exceed the sleeping capacity of the facility, would require the facility to be permitted as a Banquet

Facility, in addition to another principal use that may be located on the property, such as a Bed and Breakfast or a Country Inn. Staff recommends allowing a limited number of private parties to be held at Bed and Breakfasts and Country Inns by right. It is suggested that 5 such parties may be held with a maximum attendance of 100 persons provided Fire Marshal and Health Department approval are obtained in advance.

5. 5-601(A)(6)(c) Bed and Breakfast. The Planning Commission deleted the additional yard requirement for the Bed and Breakfast use itself, only requiring a yard greater than the district requirements for those outdoor areas associated with Banquet Facilities. The yard requirements for the location of outdoor areas associated with a Banquet/Event Facility use have been incorporated by referencing Section 5-642, Banquet/Event Facility.
6. Small Business – Section 5-614. Per Board direction, the regulations regarding Small Business have been revised to reflect the desire of the Board to change the use of Small Business from a use that is not necessarily operated out of a residence. Staff notes that such a change would allow a business to operate at locations where no residence is present. If the Board desires such a change, one option is to change the use list to allow the types of uses currently permitted as small businesses, such as Business service occupations, personal service occupations, repair service occupations, contractors and contracting, professional office-based services, studios for fine arts and crafts, antique sales and the sale of any goods or items produced on the premises.
7. Accessory Building. Per Board direction, staff revised the definition of accessory building to permit the following maximum accessory building sizes: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft.; more than 10 acres up to 20 acres: 7,500 sq. ft.; more than 20 acres: 10,000 sq. ft. Staff notes that the definition applies to accessory buildings throughout the county.
8. Landscaping Standards for Specific Uses, Section 5-653. After reviewing the recording of the July 5, 2006 worksession, it appears as though staff may have inadvertently deleted a sentence from Section 5-653(A) that the Board may have desired to retain regarding the ability of the Zoning Administrator to waive, reduce and/or modify planting requirements. Further, Supervisor Burton expressed an interest in requiring native species to be used in required plantings. Staff has revised Section 5-653 to allow the Zoning Administrator to waive the planting requirements and to require 90% native species. [Attachment 9c]
9. Individual Septic Systems in Common Open Space. As the Board has included language to permit 70% of cluster lots to locate their individual septic systems within Common Open Space, the list of uses for Common Open Space in the AR-1 and AR-2 districts should be revised to add Sewage disposal system, individual as a permitted use in order to clarify the intent. Also, the definition of “Sewage disposal system, individual” should be revised to state that such systems are permitted within common open space as well as on the lot served.

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10. Section 5-601(B)(7)(c). The Board voted to amend the draft to set the yard standard for a Country Inn at 250 feet from all residential lot lines with an existing dwelling unit. The draft will be revised to include such amendment upon Board action.

**B. ADDITIONAL CORRECTIONS TO ZONING ORDINANCE AMENDMENT**

**DRAFT:** Staff has reviewed the draft and has made or will make the following changes to the draft consistent with the changes made by the Board to date:

1. References to RR-1 and RR-2. Based on the Board of Supervisors actions, all references to the RR-1 and RR-2 zoning districts have been removed from the draft.
2. Section 5-613 Accessory Dwellings. It is apparent that there was a typographical error in the July 5<sup>th</sup> Committee of the Whole staff report regarding the maximum number of accessory dwellings on an AR property that included language for Section 5-613(G). The language should have stated "In the AR-1 and AR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres." The draft has been corrected to include "20" acres instead of the "40" acres that was included in the 7/5/06 staff report.
3. Noise requirements. Staff changed the wording regarding the hours of outdoor noise for Bed and Breakfast uses [Section 5-601(A)(6)(h)] and Country Inn uses [5-601(B)(6)(h)] to state that any evening preceding a holiday recognized by Loudoun County is the day that may operate the same as a Friday or Saturday and not the holiday itself, which may have a weekday following it.
4. Section 6-703 Rural Sketch Plan. The draft was corrected to delete a reference to Bed and Breakfast Homestay as such use has been deleted from the AR-1, AR-2 use lists. However, the Bed and Breakfast Homestay use will continue as a permitted use in the A-3 and A-10 districts, and therefore staff recommends retaining Bed and Breakfast Homestay within the list of uses able to use the Rural Sketch Plan.
5. Definition of Banquet/Event Facility. A new definition of Banquet/Event Facility has been drafted to include the changes made to Bed and Breakfast, County Inn, Rural Retreat and Rural Resort uses.
6. Section 5-704, Common Open Space for Permitted Urban Clusters as permitted in various sections contained in Article III and Article IV of this Zoning Ordinance. An error occurred during the preparation of the draft text indicating that the Section 5-704 would be deleted from the Ordinance. As this was a drafting error, the draft has been revised to remove the striking out of Section 5-704, so that it is not deleted.
7. Maximum Lot Size of a Cluster Lot [Sections 2-103(C)(3)(e), 2-203(C)(3)(e), 2-154(A)(6), 2-254(A)(6)].
  - a. The draft text for the cluster option in the AR-1 and AR-2 districts includes a maximum cluster lot size of 4 acres, exclusive of major floodplain. After further review of this section, staff recommends that the maximum lot size not be exclusive of major floodplain, as the intent of the maximum lot size is for relatively smaller lots to be located within the clustered portion of the development. The final draft will be revised to make this change unless the Board directs otherwise.

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8. It is noted that a typographical error has occurred in the AR-2 district [Section 2-203(C)(3)(e)] stating that the maximum lot size is 175 feet. This error occurred while deleting the standard for a minimum lot width and the final draft will be corrected to correctly include the 4 acre maximum lot size.
9. Public Water Supply Reservoirs ZOAM 2006-0001. Please note that the zoning ordinance amendments related to municipal drinking reservoirs that were adopted in April 2006 have been included in the final draft.

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